

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

BERNARD BROWN,

Plaintiff,

v.

Civil Action No. 3:18CV255

MS. L. AUSTIN, et al.,

Defendants.

MEMORANDUM OPINION

Bernard Brown, a Virginia inmate proceeding pro se and in forma pauperis, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. See Dowe v. Total Action Against Poverty in Roanoke Valley, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Brown's current Complaint fails to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on July 23, 2018, the Court directed Brown to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Brown that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the July 23, 2018 Memorandum Order. Brown failed to submit a particularized complaint or otherwise respond to the July 23, 2018 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion to Brown.

Date: *August 16, 2018*
Richmond, Virginia

/s/ REN

Robert E. Payne
Senior United States District Judge